

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

ERIC TRAVERS, MICHAEL BOUDREAU,	)	
JOSEPH COLELLA, CLIFFORD ARPINO,	)	
MICHAEL MARINI, and ROCCO MARINI,	)	
	)	
Plaintiffs	)	CIVIL ACTION NO. 04-12635-RWZ
	)	
v.	)	
	)	
CITY OF NEWTON, MASSACHUSETTS	)	
and DAVID B. COHEN, in his capacity as	)	
Mayor of the City of Newton, Massachusetts;	)	
	)	
Defendants	)	
	)	

DEFENDANT CITY OF NEWTON'S MOTION FOR LEAVE TO FILE REPLY BRIEF

Pursuant to Local Rule 7.1 (B)(3), the City of Newton moves this court to allow it to file a Reply to the Plaintiffs' Opposition to its Motion to Dismiss for Failure to Join a Necessary Party. The City's Reply is attached hereto as Exhibit 1.

As grounds therefore, the City states that the Plaintiffs' Opposition omits material that is pertinent to the Court's evaluation of the necessity of the Commonwealth's Human Resources Division as a party to this action.

Respectfully submitted,  
Defendant City of Newton  
And Mayor David B. Cohen  
By their attorneys,

\_\_\_\_/s/ Mary Jo Harris\_\_\_\_\_  
Mary Jo Harris, BBO # 561484  
Morgan, Brown & Joy, LLP  
200 State Street  
Boston, MA 02109-2605  
(617) 523-6666

Dated: March 25, 2005

**Certificate of Service**

I hereby certify that a copy of the foregoing Answer to the Plaintiffs' Complaint was served upon Harold B. Lichten, Esq., Pyle, Rome, Lichten, Ehrenberg, & Liss-Riordan, P.C., 18 Tremont Street, Suite 500 Boston, MA 02111 and to Donnalyn B. Lynch Kahn, Esq., City of Newton, 1000 Commonwealth Ave., Newton Centre, MA 02459 by facsimile and first-class mail this 25th day of March 2005.

\_\_\_\_\_  
/s/ Mary Jo Harris

Mary Jo Harris